REMARKS

This amendment is in response to the Office Action dated April 3, 2006, ("Office Action"). It is respectfully submitted that the application is in condition for allowance. Claims 18-20 were pending and were rejected in the Office Action. Claims 18 and 20 have been amended by virtue of the present amendment (claims 1-17 and 21-28 having previously been canceled). No new matter has been added. Allowance and reconsideration of the application in view of Applicant's amendment and the ensuing remarks are respectfully requested.

Claim 18 was amended to clarify that the method comprises "*providing an agent capable of inducing a leptin or leptin receptor-mediated angiogenic response*" and that the method is "*to promote the formation, maintenance or repair of the tissue.*" Support for this amendment may be found throughout the specification; for example on page 8, line 27 to page 9, line 3.

Claim 20 was merely amended to rephrase the claim.

In the Office Action, Examiner rejected claims 18-20 under 35 U.S.C. §102(e), as being anticipated by Snodgrass *et al.* (U.S. Pat. No. 6,355,237). Examiner found that Snodgrass *et al.* teach that "leptin is known as OB protein which activates hematopoieic and endothelial lineages" and "promotes angiogenesis and vasculogenesis." Examiner also found that Snodgrass *et al.* teach and suggest various dosages and methods of delivery to "achieve maximum effect with minimum side effects." With respect to claims 18-20, this rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Applicant respectfully submits that Snodgrass *et al.* simply do not teach or suggest administering "an agent that induces a leptin or leptin receptor-mediated angiogenic response" to "promote the formation, maintenance or repair of tissue," as required by amended claim 18 and claims that depend therefrom (emphasis added).

Applicant agrees with Examiner that Snodgrass *et al.* teach that the use of leptin activates hematopoietic and endothelial lineages and "promotes angiogenesis and vasculogenesis." See Snodgrass *et al.* column 4, lines 22-27. However, Snodgrass *et al.* merely teach the use of leptin to activate hematopoeic and endothelial lineages and to promote angiogenesis. Snodgrass *et al.* do not each and every element as set forth in the Applicant's claim. That is, to promote the formation, maintenance or repair of tissue. Activation of hematopoeic and endothelial lineages and promoting angiogenesis do not equate to the formation, maintenance or repair of tissue as required by Applicant's claim 18 and claims that depend thereform. Angiogenesis is one component in the "formation, maintenance or repair of tissue," in addition to, among other things, proliferation, migration and matrix synthesis. See, for example, specification pages 30-32. Consequently, the disclosure of Snodgrass *et al.* of one component of the formation, maintenance or repair of tissue does not automatically anticipate Applicant's claimed invention.

Applicant has also demonstrated that the topical use of leptin promotes faster granulation of tissue, which is indicative of faster tissue repair. As seen in example 16, the control mice exhibited granulation of tissue on day 3, whereas the leptin treated mice have passed that stage and were exhibiting re-epithelialization and basal lamina regeneration. See specification, example 16, pages 48-49. Snodgrass *et al.* do not teach or suggest that leptin has these effects. These effects provide evidence of the formation, maintenance or repair of tissue as claimed by Applicant's invention. Accordingly, Snodgrass *et al.* do not anticipate Applicant's invention as claimed.

Furthermore, Snodgrass *et al.* teach the use of leptin to promote the expansion in number of hematopoietic cells. See Snodgrass *et al.* column 17 lines 9-11. Applicant's invention teaches the use of leptin for the formation, maintenance or repair of tissue, which comprise different types of cells, rather than solely hematopoietic cells. Second, the formation, maintenance or repair of tissue is different from the mere multiplication of hematopoietic cells, since a collection of hematopoietic cells does not equate to tissue. Consequently, Snodgrass *et al.* do not teach or suggest the use of leptin the formation, maintenance or repair of tissue.

Since Applicant's claims were not taught or suggested by Snodgrass *et al.*, amended claim 18 and dependent claims therefrom are not anticipated by Snodgrass *et al.* In light of the foregoing remarks, Applicants respectfully submit that claims 18-20 are not anticipated by Snodgrass *et al.* Applicants therefore respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §102(e).

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (213) 633-6874.

Respectfully submitted,

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Attachment:
Petition for two-month extension of time.

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